

1 GEORGE J. TICHY, II, Bar No. 041146  
2 MICHAEL F. MCCABE, Bar No. 111151  
3 MICHELLE R. BARRETT, Bar No. 197280  
4 KIMBERLY L. OWENS, Bar No. 233185  
5 JUSTIN T. CURLEY, Bar No. 233287  
6 LITTLER MENDELSON  
7 A Professional Corporation  
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14 kowens@littler.com, jcurley@littler.com  
15 Attorneys for Defendants  
16 HSBC MORTGAGE CORPORATION (USA)  
17 AND HSBC BANK USA, N.A.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 Philip Wong, Frederic Chaussy, and Leslie  
15 Marie Shearn, individually, on behalf of all  
16 others similarly situated, and on behalf of  
the general public,

17 Plaintiffs,

18 v.

19 HSBC Mortgage Corporation (USA);  
20 HSBC Bank USA, N.A.; and DOES 1  
through 50, inclusive,

21 Defendants.  
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Case No. C 07 2446 MMC [ECF]

**DECLARATION OF STEPHANIE GIRON  
IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO PLAINTIFFS' MOTION  
FOR LEAVE TO AMEND FIRST  
AMENDED COMPLAINT**

Date: August 22, 2008  
Time: 9:00 a.m.  
Courtroom: 7 (19th Floor)  
Judge: Hon. Maxine M. Chesney

Complaint filed: May 7, 2007  
FAC filed: June 29, 2007  
Trial Date: Not Yet Set

1 I, Stephanie Giron, hereby declare and state:

2 1. I have personal knowledge of the facts set forth below. If called as a witness,  
3 I could and would testify to the following:

4 2. I am employed by HSBC Pay Services, Inc. My job title is Vice President,  
5 Human Resources Services. In my job, I am familiar with payroll inquiries and paycheck summaries.

6 3. A great deal of pay related information for current and former HMCU  
7 employees is maintained in a PeopleSoft system. Among the pay information kept in PeopleSoft are  
8 "Paycheck Summaries" for individuals who or were employed by HMCU. A "Paycheck Summary"  
9 shows how much an individual was paid on a bi-weekly basis. The document attached hereto as  
10 Exhibit A is a true and correct copy of Ms. Flanagan's "Paycheck Summary" containing information  
11 as to the earnings Ms. Flanagan was paid for her employment with HMCU in 2007.

12 I declare under penalty of perjury under the laws of the States of California and New  
13 York and the United States of America that the foregoing declaration is true and correct to the best  
14 of my personal knowledge. Executed this 1st day of August 2008, in Wood Dale, Illinois.

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16 STEPHANIE GIRON  
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18 Firmwide 860:6787.1 023404.1043  
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# **EXHIBIT A**

Page No. 1  
Run Date 07/09/2008  
Run Time 12:25:25

PeopleSoft  
PAYCHECK SUMMARY

Report ID: SPY00260

EmpId: 43157644 Company: 558 Paygroup: US1 Department: 801033-B Date Range: 12/30/2006 - 12/29/2007

PAY END DATE: 12/31/2006 CHECK NBR: 5466976

| EARNINGS        |          |               |          | DEDUCTIONS |            |           |        | TAXES |          |             |        |
|-----------------|----------|---------------|----------|------------|------------|-----------|--------|-------|----------|-------------|--------|
|                 | HOURS    | AMOUNT        |          | DED CODE   | DED CLASS  | PLAN TYPE | AMOUNT | STATE | LOCALITY | TAX CLASS   | AMOUNT |
| GROSS PAY:      | 2,692.31 | NET PAY:      | 2,116.59 |            |            |           |        |       |          |             |        |
| REG HOURS:      | 80.00    | REG EARNINGS: | 0.00     | USIMED     | Before-Tax | Medical   | 71.08  | FED   |          | CASDI/EE    | 162.15 |
| OT HOURS:       | 0.00     | OT EARNINGS:  | 0.00     | USIMED     | Nontaxable | Medical   | 255.23 | FED   |          | CASDI/EE    | 162.15 |
| OTHER EARNINGS: |          |               |          | USIDEN     | Before-Tax | Dental    | 17.08  | FED   |          | MED/ER      | 37.92  |
| EARN CODE       |          |               |          | USIDEN     | Nontaxable | Dental    | 27.94  | FED   |          | Withholding | 168.33 |
|                 |          |               |          | USIBLF     | Nontaxable | Life      | 5.84   | FED   |          | Med/ER      | 37.92  |
|                 |          |               |          | USIBLF     | Taxable    | Life      | 11.15  | FED   |          | Unempl ER   | 20.83  |
|                 |          |               |          |            |            |           |        | NY    |          | Withholding | 119.16 |
|                 |          |               |          |            |            |           |        | NY    |          | Unempl ER   | 70.00  |

PAY END DATE: 01/14/2007 CHECK NBR: 5519540

| EARNINGS        |          |               |          | DEDUCTIONS |            |           |        | TAXES |          |             |        |
|-----------------|----------|---------------|----------|------------|------------|-----------|--------|-------|----------|-------------|--------|
|                 | HOURS    | AMOUNT        |          | DED CODE   | DED CLASS  | PLAN TYPE | AMOUNT | STATE | LOCALITY | TAX CLASS   | AMOUNT |
| GROSS PAY:      | 2,692.31 | NET PAY:      | 2,114.25 |            |            |           |        |       |          |             |        |
| REG HOURS:      | 80.00    | REG EARNINGS: | 0.00     | USIMED     | Before-Tax | Medical   | 71.08  | FED   |          | CASDI/EE    | 162.52 |
| OT HOURS:       | 0.00     | OT EARNINGS:  | 0.00     | USIMED     | Nontaxable | Medical   | 255.23 | FED   |          | CASDI/EE    | 162.52 |
| OTHER EARNINGS: |          |               |          | USIDEN     | Before-Tax | Dental    | 17.08  | FED   |          | MED/ER      | 38.01  |
| EARN CODE       |          |               |          | USIDEN     | Nontaxable | Dental    | 27.94  | FED   |          | Withholding | 169.81 |
|                 |          |               |          | USIBLF     | Nontaxable | Life      | 5.84   | FED   |          | Med/ER      | 38.01  |
|                 |          |               |          | USIBLF     | Taxable    | Life      | 17.09  | FED   |          | Unempl ER   | 20.84  |
|                 |          |               |          |            |            |           |        | NY    |          | Withholding | 119.56 |
|                 |          |               |          |            |            |           |        | NY    |          | Unempl ER   | 70.00  |

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Run Date 07/09/2008  
Run Time 12:25:25

Peoplesoft  
PAYCHECK SUMMARY

Report ID: SPY00260

EmpId: 43157644 Company: 558 Paygroup: US1 Department: 801033-B Date Range: 12/30/2006 - 12/29/2007

PAY END DATE: 01/20/2007 CHECK NBR: 5586461

| EARNINGS        |          |                  |          | DEDUCTIONS |            |           |        | TAXES |          |             |        |
|-----------------|----------|------------------|----------|------------|------------|-----------|--------|-------|----------|-------------|--------|
| EARN CODE       | HOURS    | AMOUNT           |          | DED CODE   | AMOUNT     | PLAN TYPE |        | STATE | LOCALITY | TAX CLASS   | AMOUNT |
| GROSS PAY:      | 2,692.31 | NET PAY:         | 2,114.26 |            |            |           |        |       |          |             |        |
| REG HOURS:      | 0.00     | REG HOURLY EARN: | 0.00     |            |            |           |        |       |          |             |        |
| REG EARN HOURS: | 80.00    | REG EARN:        | 2,692.31 | USMED      | Before-Tax | Medical   | 71.08  | FED   |          | OASDI/EE    | 162.51 |
| OT HOURS:       | 0.00     | OT EARN:         | 0.00     | USMED      | Nontaxable | Medical   | 255.23 | FED   |          | OASDI/EE    | 162.51 |
| OTHER EARNINGS: |          |                  |          | USIDEN     | Before-Tax | Dental    | 17.08  | FED   |          | MED/EE      | 38.01  |
| EARN CODE       | HOURS    | AMOUNT           |          | USIDEN     | Nontaxable | Dental    | 27.94  | FED   |          | Withholding | 169.81 |
|                 |          |                  |          | USIBLF     | Nontaxable | Life      | 5.84   | FED   |          | Med/ER      | 38.01  |
|                 |          |                  |          | USIBLF     | Taxable    | Life      | 17.09  | FED   |          | Unempl ER   | 14.33  |
|                 |          |                  |          |            |            |           |        | NY    |          | Withholding | 119.56 |
|                 |          |                  |          |            |            |           |        | NY    |          | Unempl ER   | 70.00  |

PAY END DATE: 02/11/2007 CHECK NBR: 5644184

| EARNINGS        |          |                  |          | DEDUCTIONS |            |           |        | TAXES |          |             |        |
|-----------------|----------|------------------|----------|------------|------------|-----------|--------|-------|----------|-------------|--------|
| EARN CODE       | HOURS    | AMOUNT           |          | DED CODE   | AMOUNT     | PLAN TYPE |        | STATE | LOCALITY | TAX CLASS   | AMOUNT |
| GROSS PAY:      | 2,692.31 | NET PAY:         | 2,114.25 |            |            |           |        |       |          |             |        |
| REG HOURS:      | 0.00     | REG HOURLY EARN: | 0.00     |            |            |           |        |       |          |             |        |
| REG EARN HOURS: | 80.00    | REG EARN:        | 2,692.31 | USMED      | Before-Tax | Medical   | 71.08  | FED   |          | OASDI/EE    | 162.52 |
| OT HOURS:       | 0.00     | OT EARN:         | 0.00     | USMED      | Nontaxable | Medical   | 255.23 | FED   |          | OASDI/EE    | 162.52 |
| OTHER EARNINGS: |          |                  |          | USIDEN     | Before-Tax | Dental    | 17.08  | FED   |          | MED/EE      | 38.01  |
| EARN CODE       | HOURS    | AMOUNT           |          | USIDEN     | Nontaxable | Dental    | 27.94  | FED   |          | Withholding | 169.81 |
|                 |          |                  |          | USIBLF     | Nontaxable | Life      | 5.84   | FED   |          | Med/ER      | 38.01  |
|                 |          |                  |          | USIBLF     | Taxable    | Life      | 17.09  | FED   |          | Unempl ER   | 0.00   |
|                 |          |                  |          |            |            |           |        | NY    |          | Withholding | 119.56 |
|                 |          |                  |          |            |            |           |        | NY    |          | Unempl ER   | 11.00  |

PAY END DATE: 02/25/2007 CHECK NBR: 5706123

| EARNINGS        |          |                  |          | DEDUCTIONS |            |           |        | TAXES |          |             |        |
|-----------------|----------|------------------|----------|------------|------------|-----------|--------|-------|----------|-------------|--------|
| EARN CODE       | HOURS    | AMOUNT           |          | DED CODE   | AMOUNT     | PLAN TYPE |        | STATE | LOCALITY | TAX CLASS   | AMOUNT |
| GROSS PAY:      | 2,692.31 | NET PAY:         | 2,114.26 |            |            |           |        |       |          |             |        |
| REG HOURS:      | 0.00     | REG HOURLY EARN: | 0.00     |            |            |           |        |       |          |             |        |
| REG EARN HOURS: | 80.00    | REG EARN:        | 2,692.31 | USMED      | Before-Tax | Medical   | 71.08  | FED   |          | OASDI/EE    | 162.52 |
| OT HOURS:       | 0.00     | OT EARN:         | 0.00     | USMED      | Nontaxable | Medical   | 255.23 | FED   |          | OASDI/EE    | 162.52 |
| OTHER EARNINGS: |          |                  |          | USIDEN     | Before-Tax | Dental    | 17.08  | FED   |          | MED/EE      | 38.00  |
| EARN CODE       | HOURS    | AMOUNT           |          | USIDEN     | Nontaxable | Dental    | 27.94  | FED   |          | Withholding | 169.81 |
|                 |          |                  |          | USIBLF     | Nontaxable | Life      | 5.84   | FED   |          | Med/ER      | 38.00  |
|                 |          |                  |          | USIBLF     | Taxable    | Life      | 17.09  | FED   |          | Unempl ER   | 0.00   |
|                 |          |                  |          |            |            |           |        | NY    |          | Withholding | 119.56 |
|                 |          |                  |          |            |            |           |        | NY    |          | Unempl ER   | 0.00   |

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Run Date 07/09/2008  
Run Time 12:25:25

**PAYCHECK SUMMARY**

Report ID: SPY00260

EmpId: 43157644      Company: 001      Paygroup: US1      Department: 111262-D      Date Range: 12/30/2006 - 12/29/2007

|                        |             |               |          |
|------------------------|-------------|---------------|----------|
| PAY END DATE:          | 03/11/2007  | CHECK NBR:    | 5724210  |
| ***** EARNINGS *****   |             |               |          |
| GROSS PAY:             | 2,692.31    | NET PAY:      | 2,114.25 |
| REG HOURS:             | 80.00       | REG EARNINGS: | 0.00     |
| OT HOURS:              | 0.00        | OT EARNINGS:  | 0.00     |
| OTHER EARNINGS:        |             | AMOUNT        |          |
| EARN CODE              | HOURS       |               |          |
| ***** DEDUCTIONS ***** |             |               |          |
| DED CODE               | DED CLASS   | PLAN TYPE     | AMOUNT   |
| US1MED                 | Before-Tax  | Medical       | 71.08    |
| US1MED                 | Non-taxable | Medical       | 255.23   |
| US1DEN                 | Before-Tax  | Dental        | 17.08    |
| US1DEN                 | Non-taxable | Dental        | 27.94    |
| US1BLF                 | Non-taxable | Life          | 5.84     |
| US1BLF                 | Taxable     | Life          | 17.09    |
| ***** TAXES *****      |             |               |          |
| STATE                  | LOCALITY    | TAX CLASS     | AMOUNT   |
| FED                    |             | OASDI/ER      | 162.52   |
| FED                    |             | OASDI/ER      | 162.52   |
| FED                    |             | MED/ER        | 38.01    |
| FED                    |             | Withholding   | 169.81   |
| FED                    |             | Med/ER        | 38.01    |
| FED                    |             | Unempl ER     | 20.83    |
| FED                    |             | Withholding   | 119.56   |
| NY                     |             | Unempl ER     | 102.31   |

|                        |            |                  |          |
|------------------------|------------|------------------|----------|
| PAY END DATE:          | 01/25/2007 | CHECK NBR:       | 5778968  |
| ***** EARNINGS *****   |            |                  |          |
| GROSS PAY:             | 3,713.31   | NET PAY:         | 2,731.96 |
| REG HOURS:             | 0.00       | REG HOURLY EARN: | 0.00     |
| OT HOURS:              | 80.00      | REG EARN:        | 2,692.11 |
| OTHER EARNINGS:        | 0.00       | OT EARN:         | 0.00     |
| EARN CODE              | HOURS      | AMOUNT           |          |
| 51                     | 0.00       | 1,021.00         |          |
| ***** DEDUCTIONS ***** |            |                  |          |
| DED CODE               | DED CLASS  | PLAN TYPE        | AMOUNT   |
| US1MED                 | Before-Tax | Medical          | 71.08    |
| US1MED                 | Nontaxable | Medical          | 255.23   |
| US1DEN                 | Before-Tax | Dental           | 17.08    |
| US1DEN                 | Nontaxable | Dental           | 27.94    |
| US1BLF                 | Nontaxable | Life             | 5.84     |
| US1BLF                 | Taxable    | Life             | 17.09    |
| ***** TAXES *****      |            |                  |          |
| STATE                  | LOCALITY   | TAX CLASS        | AMOUNT   |
| FED                    |            | OASDI/ER         | 235.82   |
| FED                    |            | OASDI/ER         | 235.82   |
| FED                    |            | MHI/EG           | 52.81    |
| FED                    |            | Withholding      | 435.06   |
| FED                    |            | Med/ER           | 52.81    |
| FED                    |            | Unempl ER        | 29.00    |
| NY                     |            | Withholding      | 189.50   |
| NY                     |            | Unempl ER        | 141.10   |

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| PAY END DATE: 04/08/2007 CHECK NBR: 5833698 |  |  |  |  |  |  |  |  |  |
| ***** EARNINGS *****                        |  |  |  |  |  |  |  |  |  |
| ***** DEDUCTIONS *****                      |  |  |  |  |  |  |  |  |  |
| ***** TAXES *****                           |  |  |  |  |  |  |  |  |  |
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 EmplId: 43157644 Company: 001 Paygroup: US1 Department: 11122-D Date Range: 12/30/2006 - 12/29/2007  
 PAYCHECK SUMMARY

Page No. 4  
Run Date 07/09/2008  
Run Time 12:25:27

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## SUMMARY

| EARNINGS        |  |           |                  |  |           |           |  |             |  |           |  | DEDUCTIONS |  |       |  | TAXES    |  |             |  |          |  |
|-----------------|--|-----------|------------------|--|-----------|-----------|--|-------------|--|-----------|--|------------|--|-------|--|----------|--|-------------|--|----------|--|
| GROSS PAY:      |  | 51,341.52 | NET PAY:         |  | 36,268.51 | DED CODE  |  | DED CLASS   |  | PLAN TYPE |  | AMOUNT     |  | STATE |  | LOCALITY |  | TAX CLASS   |  | AMOUNT   |  |
| REG HOURS:      |  | 0.00      | REG HOURLY EARN: |  | 0.00      | * U\$IMED |  | Before-Tax  |  | Medical   |  | 588.64     |  | * FED |  |          |  | OASDI/EE    |  | 3,147.36 |  |
| BEG EARN HOURS: |  | 500.00    | REG EARN:        |  | 20,192.22 | * U\$IMED |  | Non-taxable |  | Medical   |  | 2,041.94   |  | * FED |  |          |  | OASDI/EE    |  | 3,147.56 |  |
| OT HOURS:       |  | 0.00      | OT EARN:         |  | 0.00      | * U\$IDEN |  | Before-Tax  |  | Dental    |  | 136.64     |  | * FED |  |          |  | Med/EE      |  | 736.12   |  |
| OTHER EARNINGS: |  |           |                  |  |           | * U\$IDEN |  | Non-taxable |  | Dental    |  | 233.52     |  | * FED |  |          |  | Withholding |  | 7,575.72 |  |
| EARN CODE       |  |           | AMOUNT           |  |           | * U\$IBLW |  | Non-taxable |  | Life      |  | 430.78     |  | * FED |  |          |  | Med/ER      |  | 736.12   |  |
| 51              |  | 0.00      | 9,745.35         |  |           | * U\$IBLF |  | Taxable     |  | Life      |  | 130.78     |  | * FED |  |          |  | Unempl ER   |  | 112.00   |  |
| SVO             |  | 0.00      | 16,153.85        |  |           | * U\$IBLF |  |             |  |           |  |            |  | * FED |  |          |  | NY          |  | 2,908.33 |  |
| V               |  | 0.00      | 5,250.00         |  |           | * U\$IBLF |  |             |  |           |  |            |  | * NY  |  |          |  | Unempl ER   |  | 459.00   |  |

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